

Panaji, 14th December, 2017 (Agrahayana 23, 1939)

SERIES II No. 37

OFFICIAL GOVERNMENT OF GOA GAZETTE

PUBLISHED BY AUTHORITY

Note:- There is one Extraordinary issue to the Official Gazette, Series II No. 36 dated 07-12-2017 namely, Extraordinary dated 08-12-2017 from pages 1917 to 1918 regarding Notifications from Department of Finance.

GOVERNMENT OF GOA

Department of Animal Husbandry &
Veterinary Services

Directorate of Animal Husbandry & Veterinary
Services

Goa State Veterinary Council

Order

No. GSVC/F-8/2017-18

Live Registered members in the SVPR as on 01-04-2017

In supersession of all earlier orders, the following Registered Veterinarians are eligible to practice Veterinary Medicine in the State of Goa.

Sr. No.	Regn. No.	Name of Doctor	Practicing validity upto
1	2	3	4
1.	GSVC/05	Dr. V. J. Thomas	31-03-2022
2.	GSVC/10	Dr. Fernando Furtado	31-03-2022
3.	GSVC/14	Dr. Hari N. Singh	31-03-2022
4.	GSVC/17	Dr. P. G. Bhakale	31-03-2022
5.	GSVC/18	Dr. T. T. Naik	31-03-2022
6.	GSVC/19	Dr. Ashok H. Raikar	31-03-2022
7.	GSVC/23	Dr. Ernest V. D' Costa	31-03-2022
8.	GSVC/24	Dr. V. L. Bhaje	31-03-2022
9.	GSVC/25	Dr. Benjamin Braganza	31-03-2022
10.	GSVC/26	Dr. D. R. P. Menezes	31-03-2022
11.	GSVC/27	Dr. N. S. A. H. Faleiro	31-03-2022
12.	GSVC/28	Dr. A. D. P. Verlekar	31-03-2022
13.	GSVC/29	Dr. V. N. Malkarnekar	31-03-2022
14.	GSVC/30	Dr. P. P. Dhungat	31-03-2022

1	2	3	4
15.	GSVC/31	Dr. S. M. Naik	31-03-2022
16.	GSVC/32	Dr. U. V. T. Pednekar	31-03-2022
17.	GSVC/34	Dr. D. Naik Parrikar	31-03-2022
18.	GSVC/35	Dr. Gustavo R. Pinto	31-03-2022
19.	GSVC/36	Dr. R.V. Jog	31-03-2022
20.	GSVC/38	Dr. Marilyn A. Estibeirol	31-03-2022
21.	GSVC/39	Dr. Greta Costa	31-03-2022
22.	GSVC/40	Dr. R. H. Prabhugaonkar	31-03-2022
23.	GSVC/41	Dr. Rohidas D. Naik	31-03-2022
24.	GSVC/42	Dr. P. M. Rane	31-03-2022
25.	GSVC/43	Dr. R. B. Dhuri	31-03-2022
26.	GSVC/44	Dr. G. M. Umarye	31-03-2022
27.	GSVC/45	Dr. Marwin Lopes	31-03-2022
28.	GSVC/46	Dr. Prashant V. Naik	31-03-2022
29.	GSVC/47	Dr. Agostinho Misquita	31-03-2022
30.	GSVC/49	Dr. Mahendra A. Bale	31-03-2022
31.	GSVC/50	Dr. Agnelo H. Andrade	31-03-2022
32.	GSVC/51	Dr. Vilas M. Naik	31-03-2022
33.	GSVC/52	Dr. Satyawar B. Naik	31-03-2022
34.	GSVC/53	Dr. Salvador Vaz	31-03-2022
35.	GSVC/54	Dr. Rajaram N. Naik	31-03-2022
36.	GSVC/55	Dr. Santosh V. Desai	31-03-2022
37.	GSVC/56	Dr. Mahadev N. Naik	31-03-2022
38.	GSVC/63	Dr. Anil N. Phadte	31-03-2022
39.	GSVC/64	Dr. Veena S. Kumar	31-03-2022
40.	GSVC/67	Dr. S. K. Betkekar	31-03-2022
41.	GSVC/69	Dr. Rajesh G. Kenny	31-03-2022
42.	GSVC/70	Dr. Vaikunth S. Naik	31-03-2018
43.	GSVC/71	Dr. Ramdas S. Naik	31-03-2018
44.	GSVC/73	Dr. Pramod L. Shirodkar	31-03-2019
45.	GSVC/74	Dr. Maria Lucia De Sa	31-03-2019
46.	GSVC/77	Dr. Carmo Costa Viegas	31-03-2019
47.	GSVC/79	Dr. Navso C. Sawant	31-03-2019
48.	GSVC/84	Dr. Nitin S. Naik	31-03-2020
49.	GSVC/85	Dr. Mariella Afonso	31-03-2020
50.	GSVC/86	Dr. Shrikant M. Naik	31-03-2020
51.	GSVC/87	Dr. Tushar A. Gaunekar	31-03-2021

1	2	3	4	1	2	3	4
52.	GSVC/90	Dr. Shirish S. Gaonkar	31-03-2021	85.	GSVC/144	Dr. John Domnic	31-03-2019
53.	GSVC/92	Dr. Eaknath B. R. Chakurkar	31-03-2021	86.	GSVC/146	Dr. Cunha Costa Maria Niceta	31-03-2020
54.	GSVC/94	Dr. Jenny E. Fernandes	31-03-2022	87.	GSVC/147	Dr. Erica Katia Carvalho	31-03-2020
55.	GSVC/95	Dr. Brijesh N. Naik	31-03-2022	88.	GSVC/149	Dr. Coutinho Natasha Rachel	31-03-2020
56.	GSVC/97	Dr. Prakash V. Korgaonkar	31-03-2022	89.	GSVC/150	Dr. Kantak Pradnya Anand	31-03-2020
57.	GSVC/98	Dr. Sameer Sawant	31-03-2022	90.	GSVC/152	Dr. Samir Kumar Das	31-03-2020
58.	GSVC/101	Dr. T. Kiran Kumar	31-03-2018	91.	GSVC/154	Dr. Aparajita Choudhary	31-03-2020
59.	GSVC/102	Dr. Sukhadeo B. Barbuddhe	31-03-2019	92.	GSVC/155	Dr. Karlette Anne Fernandes	31-03-2021
60.	GSVC/104	Dr. Naik Anuradha A.	31-03-2019	93.	GSVC/157	Dr. Ashay P. Kankonkar	31-03-2021
61.	GSVC/105	Dr. Fernandes Atanazia T.	31-03-2019	94.	GSVC/158	Dr. G. C. Gauthanker	31-03-2021
62.	GSVC/109	Dr. Yogesh Shrikant Naik	31-03-2020	95.	GSVC/159	Dr. Bathini Harsh	31-03-2021
63.	GSVC/112	Dr. Sayed A. Hazmodin	31-03-2021	96.	GSVC/160	Dr. Lysandra Da Costa	31-03-2021
64.	GSVC/113	Dr. Menezes Rameela Maria P.	31-03-2021	97.	GSVC/161	Dr. Soniya S. Chawan	31-03-2022
65.	GSVC/114	Dr. Bhokre C. Mohanrao	31-03-2021	98.	GSVC/162	Dr. Ransley R. Caldeira	31-03-2022
66.	GSVC/115	Dr. Sudhir Kumar	31-03-2021	99.	GSVC/163	Dr. Balaji U. Desai	31-03-2022
67.	GSVC/118	Dr. Almeida Astrid Georgina	31-03-2021	100.	GSVC/164	Dr. Prasad Ramesh Parab	31-03-2022
68.	GSVC/119	Dr. Rama G. Parab	31-03-2021	101.	GSVC/165	Dr. Thomas Edison D' Sa	31-03-2022
69.	GSVC/122	Dr. Reshmi Bhaskaran	31-03-2022	102.	GSVC/166	Dr. Laximan Navsu Sawant	31-03-2022
70.	GSVC/123	Dr. Viegas Aneesh George	31-03-2018	103.	GSVC/167	Dr. Carol Misquita	31-03-2022
71.	GSVC/125	Dr. Fiona Inacia Ferrao	31-03-2019	104.	GSVC/168	Dr. Prafulla Kumar Naik	31-03-2018
72.	GSVC/126	Dr. Richmark Igni Fernandes	31-03-2019	105.	GSVC/169	Dr. M. Karunakaran	31-03-2018
73.	GSVC/127	Dr. Nikhil V. Prabhugaonkar	31-03-2019	106.	GSVC/170	Dr. Keara Sesha Carvalho	31-03-2018
74.	GSVC/129	Dr. Priya Goswami	31-03-2020	107.	GSVC/171	Dr. Neysa Grace Diniz	31-03-2018
75.	GSVC/130	Dr. Deborah M. Rodrigues	31-03-2020	108.	GSVC/172	Dr. Jayram M. Desai	31-03-2018
76.	GSVC/131	Dr. Manik Dattatray Patil	31-03-2020	109.	GSVC/173	Dr. Anjali Antonia Noronha	31-03-2018
77.	GSVC/133	Dr. Divakar R. Mavalankar	31-03-2020	110.	GSVC/174	Dr. Pinheiro Anisha Carol	31-03-2018
78.	GSVC/134	Dr. Charlette E. Fernandes	31-03-2020	111.	GSVC/175	Dr. Ketan B. Chowgule	31-03-2018
79.	GSVC/136	Dr. Jill Anne Aranha	31-03-2020	112.	GSVC/176	Dr. Shubhada Krishna Chote	31-03-2018
80.	GSVC/138	Dr. Natasha Shetye	31-03-2021	113.	GSVC/177	Dr. Seraphino da Cunha	31-03-2018
81.	GSVC/139	Dr. Priya Pradeep Shetye	31-03-2021	114.	GSVC/178	Dr. Monteiro Raisa B. T.	31-03-2018
82.	GSVC/140	Dr. Suvarnaraj Naik Gaonkar	31-03-2022	115.	GSVC/179	Dr. Malory Maria Ferrao	31-03-2018
83.	GSVC/141	Dr. Narendra Naik	31-03-2018	116.	GSVC/180	Dr. Bandodkar Abhishek	31-03-2019
84.	GSVC/143	Dr. Loveleen Maria Vaz	31-03-2024	117.	GSVC/181	Dr. Sherwin L. Dias	31-03-2019
				118.	GSVC/182	Dr. Myron Fritz da Costa	31-03-2019

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119.	GSVC/183	Dr. Om Prakash	31-03-2019
120.	GSVC/184	Dr. Amanda G. Fernandes	31-03-2020
121.	GSVC/185	Dr. Anjore Anand Sinai Kunde	31-03-2020
122.	GSVC/186	Dr. Sequeira Daniella Stacy	31-03-2020
123.	GSVC/187	Dr. Swathi Hareendran	31-03-2020
124.	GSVC/188	Dr. Radhakrishna Raghy	31-03-2020
125.	GSVC/190	Dr. Warren D'Mello	31-03-2020
126.	GSVC/191	Dr. M. V. Silpa	31-03-2021
127.	GSVC/192	Dr. Silveira Maria Sera	31-03-2021
128.	GSVC/193	Dr. Deepika Prabhakar	31-03-2021
129.	GSVC/194	Dr. Barros Gail Matilda	31-03-2021
130.	GSVC/195	Dr. Govind	31-03-2021
131.	GSVC/196	Dr. Harne Ranjeet Dattatraya	31-03-2021
132.	GSVC/200	Dr. Adrian Acacio Camara	31-03-2021
133.	GSVC/201	Dr. M. V. Jithin	31-03-2021
134.	GSVC/202	Dr. Pardeshi A. Subhash	31-03-2021
135.	GSVC/203	Dr. Jagruti Bathini	31-03-2021
136.	GSVC/204	Dr. R. Solomon Rajkumar	31-03-2021
137.	GSVC/205	Dr. Susitha Rajkumar	31-03-2021
138.	GSVC/207	Dr. Nitin Joseph D'Souza	31-03-2022
139.	GSVC/208	Dr. Surekha Dilip Lotlikar	31-03-2022
140.	GSVC/209	Dr. Udharwar Sanjaykumar	31-03-2022
141.	GSVC/210	Dr. Ellette Da Gama Fronia	31-03-2022
142.	GSVC/211	Dr. Aswathy Nair	31-03-2022
143.	GSVC/212	Dr. Reina Maria Do Ceu Ilda Barbosa Barreto	31-03-2022
144.	GSVC/213	Dr. Gautami Yogiraj Naik	31-03-2022
145.	GSVC/214	Dr. Rachel Jolsa Rowland Salema	31-03-2022
146.	GSVC/215	Dr. Ashwini Shankar Prabhu	31-03-2022
147.	GSVC/216	Dr. Gowri Yale	31-03-2022
148.	GSVC/217	Dr. Vishwanath S. Bhawe	31-03-2022
149.	GSVC/218	Dr. Malika U. Mayenkar	31-03-2022

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150.	GSVC/219	Dr. Pulpa Srinivas	31-03-2022
151.	GSVC/220	Dr. Madhura P. Naik	31-03-2022
152.	GSVC/221	Dr. Manthana Amin	31-03-2022
153.	GSVC/222	Dr. Ishan Anil Korgaonkar	31-03-2022
154.	GSVC/223	Dr. Saurabh S. Morajkar	31-03-2022
155.	GSVC/224	Dr. Gwenda Martina De Souza	31-03-2022
156.	GSVC/225	Dr. Gavin Damian Furtado	31-03-2022
157.	GSVC/226	Dr. Zinnia S. Marcelo	31-03-2022

It may please be noted that as per CHAPTER IV, Section 30 of the 'Indian Veterinary Council Act, 1984' No person, other than a Registered Veterinary Practitioner shall:-

1. Hold office as Veterinary Physician or Surgeon or any other like title (by whatever name called) in Government or in any Institution maintained by a local or other authority.
2. Practice Veterinary Medicine in any State.
3. Be entitled to sign or authenticate a Veterinary Health Certificate or any other Certificate required by any law to be signed or authenticated by a duly qualified Veterinary Practitioner.
4. Be entitled to give evidence at any inquest or in any court of law as an expert under Section 45 of the Indian Evidence Act, 1872 on any matter relating to Veterinary Medicine.

Dated: 19-09-2017

Place: Panaji-Goa

Dr. Marwin Lopes,

Registrar,

Goa State Veterinary Council,
Tonca, Caranzalem.

V. No. A—1567/2017.



Department of Co-operation

Office of the Registrar of Co-operative Societies

Order

No. 42/4/2002/TS/RCS/3399

In exercise of the powers conferred by sub-section (1) of Section 4 of the Goa Co-operative Societies Act, 2001, and in supersession of the

Government Order No. 42/4/2002/TS/RCS/886 dated 2nd June, 2017, the Government of Goa hereby appoints Shri Sanjiv Gadkar to be the Registrar of Co-operative Societies, for the State of Goa for the purpose of the said Act with effect from 05-10-2017 i.e. with effect from the date on which he took over the charge of Registrar of Co-operative Societies, Panaji-Goa.

By order and in the name of the Governor of Goa.

W. V. R. Murthy, IAS, Secretary (Co-operation).

Panaji, 27th November, 2017.

Order

No. 9/22/2013/EST/RCS/3572

On the recommendations of Departmental Promotion Committee conveyed by Goa Public Service Commission vide letter No. COM/II/12/11(1)/2014/955 dated 08-11-2017, Government is pleased to lift the probation period and confirm the following officials/officers in the post of Co-operative Officer/Special Auditors in the Establishment of Registrar of Co-operative Societies on completing satisfactorily probation period of 2 years.

Sr.	Name of the Officer/Officials
1.	Shri P. S. Sawant.
2.	Shri H. S. Gaude (ST).
3.	Shri Suraj Ghaisas.
4.	Shri M. N. Kalangutkar (PD).
5.	Shri Pankaj Marathe.
6.	Smt. Ulka Bandekar.
7.	Shri Santosh P. Naik.
8.	Shri Rupesh L. Korde.
9.	Shri Harish S. Naik.
10.	Shri Sonu R. Gaunekar.
11.	Shri Sanjay S. Khajankar (ST).
12.	Shri R. B. N. Satardekar (PD).
13.	Smt. Smita M. Kankonkar (ST).

By order and in the name of the Governor of Goa.

Sanjiv M. Gadkar, Registrar & ex officio Addl. Secretary (Co-operative Societies).

Panaji, 06th December, 2017.

Department of Home

Home—General Division

Notification

No. 1/97/2013-HD(G)/3603

In exercise of the powers conferred by Clause (s) of Section 2 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and in supersession of the Government Notification No. 30/12/2014-Cyber Crime/HD(G)/2491 dated 31-07-2014, published in the Official Gazette, Series II No. 20 dated 14-08-2014, the Government of Goa hereby declares the Cyber Crime Cell functioning from and located at the Goa Institute of Management, Ribandar, Tiswadi, Goa, to be a police station exclusively for the purpose of investigation of the offences punishable under the Information Technology Act, 2000 (Central Act 21 of 2000) and offences relating to the intellectual property rights and other allied laws for the time being in force, except the offences which are required to be investigated exclusively by the Economic Offence Cell as specified in the Government Notification No. 1/97/2013-HD(G)/2627 dated 10-09-2017, published in Official Gazette, Series I No. 25 dated 21-09-2017, with jurisdiction over the entire State of Goa.

This Notification shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

Neetal P. Amonkar, Under Secretary (Home).

Porvorim, 05th December, 2017.

Department of Industries

Order

No. 15/17/2006-IND

Government hereby constitutes a State Level Screening Committee consisting of the following members, under the Scheme of Fund for Regeneration of Traditional Industries (SFURTI) for production of food products under the Cluster the Goa Agro and Food Processing.

The said Committee shall constitute of the following:-

- | | |
|--|-------------|
| 1. Director, Industries | — Chairman. |
| 2. General Manager, NABARD/
/Representative | — Member. |
| 3. Chief Executive Officer, KVIB | — Member. |

4. State Level Manager of Lead — Member.
Bank of the State
5. Regional Officer of Coir Board — Member.
6. State Director, KVIC — Member
Convener.

By order and in the name of the Governor of
Goa.

A. S. Mahatme, Under Secretary (Industries).
Porvorim, 06th December, 2017.

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Department of Labour

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Notification

No. 28/9/2017-LAB/Part-I/823

The following award passed by the Labour Court-II, at Panaji-Goa on 08-11-2017 in reference No. C-IT/09/2015 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of
Goa.

A. S. Mahatme, Under Secretary (Labour).
Porvorim, 05th December, 2017.

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IN THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

**(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)**

Case No. Ref. C-IT/09/2015

Shri Naguesh Gauns,
Rep. by the General Secretary,
Kadamba Kamgar Union,
BG-10, Ground Floor,
Casa Immaculade,
Jose Falcao Road,
Near Panjim Church,
Panjim-Goa.

... Workman/Party-I

V/s

The Managing Director,
M/s. Kadamba Transport
Corporation Ltd.,
Paraise-de-Goa Building,
Porvorim-Goa.

... Employer/Party-II

Workman/Party-I represented by Adv. Shri A.
Kundaikar.

Employer/Party-II represented by Adv. Shri P.
Agarwal.

Panaji, Dated: 08-11-2017.

AWARD

1. This award shall disposed off the Complaint dated 30-03-2015 filed by the Workman u/s 33-A of the I.D. Act, 1947.

2. It is the case of the Workman in short that he joined the services of the Employer on 12-04-1988 as 'Helper Mechanic' in the pay scale of Rs. 750-940/-. He stated that his pay scale was fixed at Rs. 2650-65-3300-70-4000 as per sixth pay commission. He stated that he was granted Time Bound Promotional Scale (TBPS) on 01-11-2000 in the pay scale of Rs. 3050-75-3950-80-4590. He stated that consequent upon the adoption of sixth pay scales, his pay was fixed to Rs. 6380 + Rs. 1900 as grade pay w.e.f. 01-01-2006 in revised pay band of Rs. 5200-20200+Rs. 1900 as grade pay by order dated 08-10-2010. He stated that the said order was implemented from 01-01-2006. He stated that the Workman was designated as Modified Assured Career Progression Scheme (MACPS)-I when in fact he was entitled for MACPS-II. He stated that on recommendation of departmental promotional committee, the Employer was pleased to promote him to the post of 'Asstt. Auto-Mechanic' in the pay band of Rs. 5200-20200 + Rs. 1900 (grade pay) on probation for an initial period of six months by order dated 19-09-2014. He stated that he was on probation for a period of six months and was granted second financial up-gradation in terms of MACPS. He stated that he raised an industrial dispute pertaining to refusal of employment which is pending before the Labour Court II, Panaji, Goa and which bears registration No. LC-II/IT/06/14. He stated that he has also raised dispute in respect of order dated 10-01-2011 imposing penalty of withholding one annual increment for the year 2011.

3. He stated that during the pendency of the reference before the Labour Court II, the Personnel Officer issued an order dated 20-03-2015 by which the probation order dated 19-09-2014 was further extended to one year and six months i.e. 18-09-2016 on the same terms and conditions. He stated that he was promoted to the post of Asstt. Auto Mechanic by order dated 19-09-2014 and was kept on probation for initial period of six months. He stated that the initial probation period was not extended till 20-03-2015 and the impugned order dated 20-03-2015 was passed. He stated that the Personnel Officer appeared before the Labour Court II in the reference and therefore the pendency of the reference was well within his knowledge. He stated that he is 59 years and the probation period is extended for a period of one year and six months

i.e. 18-09-2016 by the said impugned order there by depriving the monetary benefits till retirement, which shall have cascading effects for retirement benefits. He stated that the impugned order passed by the Personnel Officer is illegal and without any authority. He stated that the Personnel Officer has no right of whatsoever nature to pass the impugned order altering the service conditions. He submitted that the impugned order is in violation of the clauses of the Certified Standing Orders of the Corporations. He submitted that in terms of the said Certified Standing Orders, the period of probation originally fixed may be extended by three months, which shall be intimated to the employee. He submitted that however, in the instant case, in flagrant abuse in the process of law and during the pendency of the proceedings before the Labour Court II, the Personnel Officer has acted in abuse of process of law and therefore liable for action for violation of Section 33-A of the I.D. Act, 1947. The Workman therefore prayed that the present complaint be allowed and necessary proceedings be initiated against the Personnel Officer for alteration of service condition in violation of its Certified Standing Orders pending before the Labour Court II.

4. The Employer resisted the complaint by filing its written statement on 19-06-2016 at Exb. 6. The Employer submitted that the Workman has not only suppressed the material facts from this Hon'ble Tribunal, but also has made misleading statements. The Employer submitted that the complaint is liable to be dismissed as there is no alterations of service conditions as alleged by the Workman, that what is referred for adjudication is not a complaint as defined u/s 33-A of the I.D. Act and that since the present complaint is filed u/s 33-A for the alleged alteration of service conditions during the pendency of industrial dispute bearing No. LC-II/IT/03/14 before the Hon'ble Labour Court II and therefore this Hon'ble Court lacks jurisdiction to adjudicate the complaint as per provisions of Section 33-A (b).

5. The Employer stated that it is a Government Company registered under Section 617 of the Companies Act, 1956. The Employer stated that it is a State transport undertaking under the purview of the Motor Transport Act, 1988. The Employer admitted that the Workman is working as 'Assistant Auto-Mechanic'. The Employer stated that on recommendation of departmental promotional committee, the Workman was promoted to the post of 'Assistant Auto-Mechanic' on probation for initial period of six months w.e.f. 19-09-2014. The Employer stated that as per its recruitment rules, the period

of probation for the post of Assistant Auto-Mechanic is two years and therefore the probation period of the Workman was further extended for the balance period of one year and six months i.e. up to 18-09-2016 by its order date 20-03-2015 after the approval from its Managing Director. The Employer submitted that its Personnel Officer was duly authorized by the corporation to issue the order dated 20-03-2015, thereby extending the period of probation of the Workman. The Employer denied that there is any violation of Section 33-A of the I.D. Act or that during the pendency of any such proceedings in respect of the industrial disputes, it has altered the service conditions of the Workman without taking any permission as the dispute was pending before the Labour Court II and prayed for dismissal of the present complaint.

6. Thereafter, the Workman filed his rejoinder on 12-07-2016 at Exb. 7. The Workman, by way of his Re-joinder, confirms and reiterates all the submissions and averments made by him in his claim statement to be true and correct and denies all the statements and averments made by the Employer in the Written Statement, which are contrary to the statements and averments made by him.

7. Based on the pleadings filed by the respective parties' hereinabove, the Hon'ble Industrial Tribunal-cum-Labour Court framed the following issues on 08-08-2016 at Exb. 9.

1. Whether the Party I proves that the Order passed altering service conditions is in violation of the principles of natural justice and certified standing orders as applicable to the Party II pending reference before the Labour Court?
2. Whether the Party I proves that the Party II has contravened the provisions of Section 33 A of the Industrial Disputes Act, 1947?
3. What Relief? What Award?
8. My answers to the aforesaid issues are as under:
 - (a) Issue No. 1 : In the affirmative.
 - (b) Issue No. 2 : In the affirmative.
 - (c) Issue No. 3 : As per final order.

REASONS

I have heard the oral arguments of Ld. Adv. Shri A. Kundaikar, appearing for the Workman as well as Ld. Adv. Shri P. Agarwal, appearing for the Employer.

9. Ld. Adv. Shri A. Kundaikar, appearing for the Workman, during the course of his oral arguments submitted that the Workman joined the services of the Employer as 'Helper Mechanic' on 12-04-1988. He submitted that on recommendation of department promotional committee the Employer Corporation was pleased to promote the Workman as 'Asstt. Auto-Mechanic' in the pay band of Rs. 5200-20200 + Rs. 1900/- (grade pay) on probation for an initial period of six months by its order dated 19-09-2014. He submitted that the Workman had raised an industrial dispute pertaining to refusal of employment before this Hon'ble court and which bears case No. LC-II/IT/06/14. He submitted that by award dated 03-09-2015, this Hon'ble Court answered the reference in his favour by holding that the refusal of employment is illegal. He submitted that the Workman has also raised a dispute in respect of order dated 10-01-2011, by which a penalty of withholding one annual increment for the year 2011 was imposed. He submitted that during the pendency of the reference before the Labour Court II, the Personnel Officer issued an order dated 20-03-2015 by which his probation period was further extended for a period of one year and six months i.e. till 18-09-2016 on the same terms and conditions. He submitted that the age of the Workman is 59 years and by the impugned order dated 20-03-2015 deprived the monetary benefits till retirement which shall have cascading effect for retirement benefits. He submitted that the impugned order dated 20-03-2015 extending the probation period for another one and half year is not only illegal, but also without any authority and also in violation of the clauses of the Certified Standing Orders applicable to him. He therefore prayed that the complaint be allowed and necessary criminal proceedings be initiated against the Personnel Officer for alteration of service conditions in violation of the Certified Standing Orders pending the reference before this Hon'ble court.

10. Per contra, Ld. Adv. Shri P. Agarwal, representing the employer, during the course of his oral arguments submitted that it is not in dispute that the Workman was promoted to the post of 'Asstt. Auto Mechanic' in the pay band of Rs. 5200-20200+1900/- (Grade Pay) on probation for an initial period of six months from the post of 'Helper Mechanic' by its order dated 19-09-2014. He submitted that by its another order dated 20-03-2015, the Employer was pleased to extend the probation period of the Workman for a period of one year and six months i.e. till 18-09-2016 on the same terms and conditions. He submitted that

as the order of the Employer dated 20-03-2015 is in continuation of its earlier order dated 19-09-2014, no prejudice of whatsoever nature would be caused to the Workman. He therefore submitted that by the impugned order dated 20-03-2015, no loss would be caused to the Workman and as such the complaint filed by the Workman be dismissed.

I have carefully perused the entire records of the present case. I have also carefully considered the oral arguments advanced by the Ld. Advocates appearing for the respective parties and is of the firm opinion as under.

11. Issue Nos. 1 and 2:

Undisputedly, the Workman joined the services of the Employer as 'Helper Mechanic' on 12-04-1988. On recommendation of department promotional committee, the Employer Corporation was pleased to promote the Workman as 'Asstt. Auto-Mechanic' in the pay band of Rs. 5200-20200 + Rs. 1900/- (grade pay) on probation for an initial period of six months by its order dated 19-09-2014. The Workman had raised an industrial dispute pertaining to refusal of employment before this Hon'ble court and which bears case No. LC-II/IT/06/14. By award dated 03-09-2015, this Hon'ble Court answered the reference in his favour by holding that the refusal of employment is illegal. The Workman has also raised a dispute in respect of order dated 10-01-2011, by which a penalty of withholding one annual increment for the year 2011 was imposed. During the pendency of the reference before the Labour Court II, the Personnel Officer issued an order dated 20-03-2015, by which his probation period was further extended for a period of one year and six months i.e. till 18-09-2016 on the same terms and conditions. Sub Clause 'b' of Clause 3 of the Certified Standing Orders states that "*in case of a permanent Workman appointed as a probationer in a new post, he may at any time during the probationary period or at the end of the probationary period may be reverted to the permanent post. The period of probation originally fixed may be extended by three months which shall be intimated in writing to the employee. If the employee shows average ability, he may be retained if the manager so recommends. A probationer shall be deemed to continue as such he is expressly confirmed in writing by the manager*". The impugned order dated 20-03-2015 extending the probation period for another one and half year is therefore in violation of Clause 3 (b) of the Certified Standing Orders of the Employer and hence, it is illegal and as such it is quashed and set aside. The issue No. 1 and 2 is therefore answered in the affirmative.

In view of above, I proceed to pass the following order.

ORDER

1. It is held that the order dated 20-03-2015 passed by the Personnel Officer of the Employer by which the probation period of the Workman was extended for further period of one year and six months i.e. up to 18-09-2016 on the same terms and conditions, is illegal and unjustified and as such it is quashed and set aside.
2. No order as to cost.

Inform the Government accordingly.

Sd/-

(Suresh N. Narulkar),
Presiding Officer,
Labour Court-II.

Notification

No. 28/9/2017-LAB/Part-I/824

The following award passed by the Labour Court-II, at Panaji-Goa on 24-10-2017 in reference No. C-IT/30/2015 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).
Porvorim, 05th December, 2017.

IN THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)

Case No. Ref. C-IT/30/2015

Shri Jesus A. Luis,
R/o. H. No. 157, Chinchal,
Margao-Goa.

... Workman/Party-I.

V/s

The Managing Director,
M/s. Kadamba Transport
Corporation Ltd.,
Paraise-de-Goa Building,
Porvorim-Goa.

.... Employer/Party-II.

Workman/Party-I represented by Adv. Shri A. Kundaikar.

Employer/Party-II represented by Adv. Shri P. Agarwal.

Panaji, Dated: 24-10-2017.

AWARD

1. This award shall disposed off the complaint dated 16-08-2015 filed by the Workman u/s 33-A of the I. D. Act, 1947.

2. It is the case of the Workman in short that he joined the services of the Employer as 'Heavy Vehicle driver' on daily wages basis w.e.f. 01-04-1993. He stated that on completion of successful service, he was appointed on probation w.e.f. 01-04-1994. He stated that he was also made eligible for the Time Bound Promotional Scale (TBPS) scale on 01-09-2006, when in fact he was eligible for same on and from 01-04-2006 i.e. on completion of 12 years of service. He stated that on account of disparity in pay fixation, he raised a dispute pertaining to the disparity in his pay fixation, which ended in failure. He stated that his dispute was referred to the Industrial Tribunal, which bears registration No. IT/03/14. He stated that during the pendency of the said reference before the Hon'ble Industrial Tribunal, the Employer was pleased to transfer him from Margao depot to Porvorim depot with immediate effect, vide its order dated 26-02-2015. He stated that though he was transferred as above, he was not relieved from service on the date of transfer and therefore continued to work at Margao depot due to ambiguity in the transfer order. He stated that he was relieved on 28-03-2015 after discharging his duties at Margao depot. He stated that the conductor was reverted back to his convenient posting at Porvorim depot and that the driver Shri Premanand Parab, who was transferred from Vasco depot to Margao depot was brought back to Vasco depot. He submitted that his transfer at Porvorim depot amounts to victimization and therefore filed the present complaint.

3. He stated that during the pendency of the reference, the Employer was pleased to pass an order dated 15-07-2015 on recommendation of the departmental screening committee. He stated that the workman, who has completed 20 years of service, is granted second up-gradation in the pay band of Rs. 5200-20200+Rs. 2800/- under the Modified Assured Career Progression (MACP) scheme. He stated that he was made eligible for the said up-gradation and his basic pay was fixed at Rs. 10700/- plus Rs. 2800/- grade pay w.e.f. 01-09-2014. He stated that the purported order is not in consonance with the MACP scheme. He stated that if he continues in the same cadre without any promotion, than he shall be eligible for the second up-gradation under MACP in PB-1 in the grade pay of Rs. 2800/- after completion of 18

years. He stated that in accordance with the MACP scheme, he is eligible for one increment at the time of release of second up-gradation and also eligible for 3% increase of the total pay in pay band and grade pay drawn before such up-gradation. He stated that he has been deprived of such benefits, resulting therein disparity in his pay fixation. The Workman therefore prayed that the complaint be allowed and further prayed for passing an award holding that the order dated 15-07-2015 passed by the General Manager is illegal and act of victimization and direct the Employer to rectify the pay fixation in accordance with the MACP scheme with consequential benefits and reliefs attached to the post of driver on completion of 20 years' service. The Workman further prayed to initiate proceedings against General Manager for alterations of service conditions in violation of its Certified Standing Orders pending reference.

4. The Employer resisted the complaint by filing its written statement on 08-07-2016 at Exb. 4. The Employer submitted that the Workman has not only suppressed the material facts from this Hon'ble Tribunal but also has made misleading statements. The Employer submitted that the complaint is liable to be dismissed as there is no alterations of service conditions as alleged by the Workman, that what is referred for adjudication is not a complaint as defined u/s 33-A of the I.D. Act, that since the present complaint is filed u/s 33-A for the alleged alteration of service conditions during the pendency of industrial dispute bearing No. LC-II/IT/03/14 before the Hon'ble Labour Court II and therefore this Hon'ble Court lacks jurisdiction to adjudicate the complaint as per provisions of Section 33-A (b) and that the rule of Res Sub Judice is applicable to the present complaint since the Workman has already filed the complaint bearing No. C-IT/10/15 pending before this Hon'ble Court alleging same alteration of service conditions.

5. The Employer stated that it is a Government Company registered under Section 617 of the Companies Act, 1956. The Employer stated that it is a State transport undertaking under the purview of the Motor Transport Act, 1988. The Employer admitted that the Workman is working as 'driver'. The Employer stated that due to administrative convenience, it was proposed by note dated 26-02-2015 that some of its employees, which included drivers and conductors were required to be transferred. The Employer stated that the said proposal was approved by its Managing Director and accordingly, the drivers and conductors mentioned in the note were issued transfer orders. The Employer admitted that one of such order is

dated 26-02-2015, by which Workman has been transferred from its Margao depot to its Porvorim depot as per its Certified Standing Orders being incidental to its service conditions. The Employer denied that the service conditions of the Workman has been altered in gross abuse of process of law and prayed for dismissal of the present complaint.

6. Thereafter, the matter was fixed for filing re-joinder of the Workman. However, Ld. Adv. Shri A. Kundaikar, appearing for the Workman submitted that he does not wish to file any re-joinder.

7. Based on the pleadings filed by the respective parties' hereinabove, the Hon'ble Industrial Tribunal-cum-Labour Court framed the following issues on 18-08-2016 at Exb. 5.

1. Whether the Party I proves that his purported transfer order dated 26-02-2015 is illegal, malafide and an act of victimization and unfair labour practice as he had filed proceedings before Labour Court?
2. Whether the Party I proves that the impugned order altering the service conditions is in violation of Certified Standing Orders as applicable to the Party II?
3. Whether the Party I proves that the action of the Party II is in violation of the provisions of Section 33 of the Industrial Disputes Act, 1947?
4. Whether the Party II proves that the Industrial Tribunal has no jurisdiction to adjudicate the complaint as industrial dispute bearing No. LC-II/IT/03/14 is pending before Labour Court II?
5. What Relief? What Award?

8. Thereafter, the matter was fixed for filing affidavit in evidence of the Workman on 27-04-2017. However, Ld. Adv. Shri. A. Kundaikar, appearing for the Workman orally seek time to file the same. On 12-07-2017, Ld. Adv. Shri A. Kundaikar appearing for the Workman was well as Ld. Adv. Shri P. Agarwal, appearing for the Employer remained present and jointly submitted that the matter is likely to be settled amicably between the parties and accordingly seek time to settle the matter amicably. On 07-11-2017, Ld. Adv. Shri A. Kundaikar appearing for the Workman was well as Ld. Adv. Shri P. Agarwal, appearing for the Employer remained present. Ld. Adv. Shri A. Kundaikar, representing the Workman orally submitted that in view of re-transfer of the Workman from Porvorim depot to Margao depot, he is

withdrawing the present complaint filed by the Workman. Ld. Adv. Shri P. Agarwal, representing the Employer gave no objection for the same.

The Workman has filed the present complaint alleging alteration of service condition. The Workman shall therefore prove the said contention by cogent evidence. However, if the Workman does not wish to pursue his complaint filed by him, this court has no other option rather than to dismiss the same. Accordingly, the complaint of the Workman is hereby dismissed as withdrawn.

In view of above, I proceed to pass the following order:

ORDER

1. The Workman is hereby allowed to withdraw the present complaint filed by him. Consequently, the present complaint filed by the Workman stands dismissed as withdrawn.
 2. No Order as to cost.
- Inform the Government accordingly.

Sd/-

(Suresh N. Narulkar),
Presiding Officer,
Labour Court-II.

Notification

No. 28/9/2017-LAB/Part-I/825

The following award passed by the Labour Court-II, at Panaji-Goa on 10-11-2017 in reference No. IT/69/96 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).
Porvorim, 05th December, 2017.

IN THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)

Case No. Ref. IT/69/96

Shri Prabhakar Satardekar,
R/o. Sankhali-Goa. ... Workman/Party I
V/s

M/s. Kadamba Transport
Corporation Ltd.,
Panaji-Goa. ... Employer/Party II

Workman/Party I represented by Shri K. Nadkarni.
Employer/Party II represented by Adv. Shri A. Palekar.

Panaji, Dated: 10-11-2017.

AWARD

1. In Exercise of the powers conferred by Section 10 (1) (d) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa, by Order dated 12-11-1996, bearing No. IRM/CON/SG/(45)/96/12045, referred the following dispute for adjudication by the Industrial Tribunal of Goa. Pending the aforesaid dispute for its adjudication before the Industrial Tribunal-cum-Labour Court, Panaji-Goa, the Government of Goa transferred the present dispute to this Labour Court-II, vide its Order dated 09-02-2016.

"(1) Whether the action of M/s. Kadamba Transport Corporation Limited, Panaji, Goa, in dismissing Shri Prabhakar B. Satardekar, Driver, from the services with effect from 05-01-1996, is legal and justified?

(2) If not, to what relief, the workman is entitled?"

2. Subsequently, in exercise of the powers conferred by Section 10 (1) (d) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa, by Order dated 08-04-2015, bearing No. 28/49/2013-Lab/425, amended the schedule of the said reference, by replacing the expression "in dismissing Shri Prabhakar B. Satardekar, Driver from the services with effect from 05-01-1996", the expression "in reverting Shri Prabhakar B. Satardekar, Driver to the post of Helper with effect from 02-04-1996".

3. On receipt of the reference, a case was registered under No. LC-II-IT/69/1996 and registered A/D notice was issued to the Parties. In pursuance to the said notice, the Parties put in their appearance. The Workman/Party-I (for short 'Workman'), filed his Statement of Claim on 27-02-1997 at Exb. 3. The facts of the case in brief as pleaded by the Workman are that he was in the employment of the Employer/Party-II (for short, 'Employer') as a 'driver' at its Margao depot. He stated that while he was employed at Margao depot on 17-02-1992, he was deployed on route Margao-Bombay on a bus bearing No. GDZ-207 with his co-driver Shri Arun Mairekar and Mr. Salit Mahale as conductor. He stated that while driving on the said route, the bus met with an accident at Pen (Maharashtra) against a stationary truck causing damages to the bus and injuries to

the passengers including himself as well as the conductor. He stated that thereafter he was served with a charge-sheet dated 09-03-1992 by the Employer and he was placed under suspension. He stated that he replied to the said charge-sheet dated 09-03-1992 by denying all the allegations and charges made against him.

4. He stated that thereafter the Employer instituted a domestic enquiry against him by appointing one Mr. K. B. Surjuse as Enquiry Officer. He stated that in the enquiry, the management was represented by Mr. S. L. Ghate as Presenting Officer. He stated that since in the middle of the enquiry, Mr. K.B. Surjuse was repatriated to the Government department, one Mr. A.S. Shirvoikar was appointed as Enquiry Officer to continue the half left enquiry. He stated that after completion of the enquiry, he received a show-cause notice dated 05-10-1995 issued by the General Manager of the Employer alongwith enquiry report dated 23-07-1995. He stated that by the said show-cause notice, he was directed to show cause as to why he should not be dismissed from the services of the Employer Corporation in view of the proved charges of misconduct levelled against him. He stated that he filed a detail reply pointing out in certainty the defects in the enquiry as well as perversity of the Enquiry Officer in holding him as guilty vide his reply dated 14-12-1995. He stated that thereafter, ignoring his detailed reply given by him to the show cause notice, he was dismissed from service w.e.f. 05-01-1996 by order of dismissal dated 05-01-1996, issued by the General Manager of the Employer and a notice of termination was sent to him by registered post A/D.

5. The Workman contended that the enquiry held against him by the Enquiry Officer is illegal, bad-in-law and in total violation of the principles of natural justice. He submitted that the findings given by the Enquiry Officer are perverse and biased. He submitted that the Disciplinary Authority while awarding the punishment of dismissal to him, has failed and/or deliberately neglected to find for himself that the Enquiry Officer has committed gross error of non-application of mind and/or committed an error of favouring the management by stressing the evidence of the management to arrive at a favourable findings for the management. He submitted that the management witness (MW-3) examined at the enquiry has refused to sign the proceedings i.e. "his deposition as well as cross-examination" and hence, the deposition of the said witness has to be discarded, in view of the settled law. He submitted that he was acquitted of all the

offences levelled against him by the Judicial Magistrate First Class at Pen, Raigad vide its Judgment and Order dated 29-11-1995 passed in its criminal case No. 635 of 1992. He submitted that the witness of the management, Shri S. L. Ghate (MW-1) as well as Shri Anant Sawant (MW-2) are not eye witnesses. Without prejudice to his foregoing submissions, the Workman submitted that the punishment of dismissal from the services of the Corporation is totally disproportionate and too harsh and it amounts to economic death penalty to him.

6. He stated that he had filed a detailed appeal to the Managing Director of the Employer Corporation against the order of dismissal from service bringing out to his notice all the facts and figures including the judgment of the trial court. He stated that the Managing Director of the Employer disposed off the appeal filed by him by passing an order by which the punishment of his dismissal from service was reduced to his demotion to the post of Helper from the basic pay scale of Rs. 950/- to the pay scale of Rs. 750/-. He submitted that the order of demotion issued to him is also illegal as he was not promoted from the post of helper to the driver, but he was directly recruited as a Heavy Duty Driver. He stated that he is presently unemployed. The Workman therefore prayed that his dismissal from service w.e.f. 05-01-1996 be held as illegal and bad-in-law and that he be directed to be reinstated back in service along with continuity in service and full back wages.

7. The Employer resisted the claim of the Workman by filing its written statement on 07-04-1997 at Exb. 4. The Employer stated that it is Government Company and also a State Transport undertaking under the provisions of the Motor Vehicles Act, 1988. The Employer stated that it provides transport services to the travelling public within the State of Goa as well as to the neighbouring states like Maharashtra and Karnataka. The Employer stated that the Workman was appointed as substitute driver w.e.f. 21-10-1986 on daily wages. The Employer stated that the Workman was subsequently appointed on probation w.e.f. 01-06-1987 for initial period of three months, vide its order dated 15-05-1987. The Employer stated that ever since his appointment as driver in its employment, the Workman was involved in various accidents/misconducts.

8. The Employer stated that the Workman, while on duty on 26-11-1988, on a vehicle No. GDX-121 operating on Karwar-Margao-Vasco, met with an

accident at Sancoale. The Employer stated that the bus dashed against a scooter bearing No. DII-1324 as well as an electric pole, causing damages to both the vehicles as well as an electric pole. The Employer stated that the said accident had taken place due to the negligence of the Workman. The Employer stated that he was issued a charge-sheet dated 26-04-1989 and finally warned vide its warning letter dated 28-07-1989. The Employer stated that the Workman, while on duty on 28-05-1994, due to his negligence damaged two rear right side tyres of the bus No. GDX 123 and made great loss to them. The Employer stated that he was therefore warned vide order dated 28-06-1994. The Employer stated that the Workman, while on duty on 18-09-1994, while driving bus No. GDX 120 on a route of Ponda to Belgaum, met with an accident at Usgao near Pepsi Cola factory. The Employer stated that the cost of damages involved in this accident was Rs. 2405/- as per valuation report. The Employer stated that the Workman, while on duty on 27-04-1995, drove in a rash and negligent manner its vehicle No. GDX-99 and as a result of which, the said vehicle got broke down.

9. The Employer stated that the Workman, while on duty on 17-02-1992, on its vehicle No. GDX-207 (Luxury) on a route of Margao to Bombay, dashed its vehicle to a stationary truck No. MH-08/8087 from the back side near Caravi Village on Nagothana-Pen, main road at 5.30 hours. The Employer stated that the truck was parked at the left side of the road to remove the puncture of its front left tyre. The Employer stated that after the impact of the bus, the truck was pushed forward and as a result of which the truck cleaner was killed on the spot and co-driver Shri Arjun Mairekar and conduct Shri Salit Mahale were seriously injured. The Employer stated that besides them, two bus passengers sustained major injuries and some passengers sustained minor injuries. The Employer stated that the injured were taken to Sion hospital, Bombay for treatment. The Employer stated that the cost of the damage was estimated to a tune of Rs. 2,50,000/-. The Employer stated that the Workman was suspended vide order dated 26-02-1992 pending departmental enquiry, which was revoked vide its order dated 20-05-1992. The Employer stated that the Workman was also issued a charge-sheet in terms of Clause 28 of its certified standing orders for the following charges of misconduct:

ix : "Over speeding the vehicle."

x : "Rash and negligence driving resulting the death of or injury to persons or damage to the property."

xxix : "Damage or loss whether wilful or due to irresponsible action or damages due to negligence or carelessness to or/of any property of the establishments."

xxxiv : "Failure to observe safety rules or instructions notified by the employer or failure to use safety devices or equipment or interference with any safety devices or equipment installed with establishment."

xxxv : "Breach of any rules or instructions given by superiors for the proper functioning of safety of the establishment."

10. The Employer stated that the Workman participated in the enquiry and he was represented by Shri K. V. Nadkarni. The Employer stated that after completion of the enquiry, the Enquiry Officer submitted his report holding that all the charges levelled against the Workman have been proved. The Employer stated that thereafter, a show-cause notice dated 05-10-1995 was issued to the Workman as to show-cause why he should not be dismissed from the service of the Employer. The Employer stated that the Disciplinary Authority found that the reply filed by the Workman was unsatisfactory. The Employer stated that the Disciplinary Authority, after considering the past unsatisfactory performance and all other relevant factors felt that he does not deserve a lenient view and therefore the Workman was dismissed from service, vide order dated 05-01-1996. The Employer stated that an appeal filed by the Workman before its Managing Director resulted into the demotion to the post of helper from the punishment of dismissal from service. The Employer stated that the Workman has however, not joined to his duties as helper. The Employer stated that the Workman, vide its letter dated 20-01-1996 raised an industrial dispute before the Conciliation Officer, Panaji, Goa, which ended in failure. The Employer denied that the Workman was on its permanent roll. The Employer stated that the conductor expired on 25-05-1993 and many claim petitions have been filed under the Motor Vehicles Act demanding lakhs of rupees. The Employer stated that in the event, if this Hon'ble Tribunal holds that the enquiry is not fair and proper, then they may be permitted to lead evidence in this case. The Employer denied the overall case as pleaded by the Workman and prayed for dismissal of the present claim of the Workman.

11. Thereafter, the Workman filed his Re-joinder on 05-05-1997 at Exb. 5. The Workman, by way of his Re-joinder, confirms and reiterates all his submissions, averments and statements made in his claim Statement to be true and correct and denies all the statements, averments and submissions made by the Employer in its Written Statement, which are contrary to his Statement and averments made in his Claim Statement. He stated that so called accident dated 26-11-1988 was not caused due to any fault or negligence on his part. He stated that he has given a detailed reply to the charge-sheet dated 26-04-1989, denying the allegations made against him. However, no enquiry was conducted to prove his guilt.

12. Based on the pleadings filed by both the parties, the Hon'ble Presiding Officer, Industrial Tribunal-cum-Labour Court, Panaji, framed the following issues on 05-10-1998 at Exb. 9.

1. Whether the Party I proves that the domestic enquiry held against him is not fair, proper and impartial?
2. Whether the charges of misconduct levelled against the Party I are proved to the satisfaction of the Tribunal by acceptable evidence?
3. Whether the Workman/Party I proves that the action of the Employer/Party II in reverting him from driver to the post of helper with effect from 02-04-1996 is illegal and unjustified?
4. Whether the Workman/Party I is entitled to any relief?
5. What Award?

13. My answers to the aforesaid issues are as under:

- a) Issue No. 1 : In the negative.
- b) Issue No. 2 : In the affirmative.
- c) Issue No. 3 : In the affirmative.
- d) Issue Nos. 4 & 5 : As per final order.

REASONS:

14. Issue Nos. 1 and 2:

While deciding the issue No. 1, I have discussed and come to the conclusion that a fair and proper enquiry has been conducted in accordance with the principles of natural justice r/w Certified Standing Orders of the Employer. Similarly, while deciding the issue No. 2, I have discussed and come to the conclusion that all the charges of misconduct have been proved to the satisfaction of this court by acceptable evidence. The issue No. 1 is answered in the negative and issue No. 2 is answered in the affirmative.

15. Issue No. 3:

I have heard the oral arguments of Ld. Rep. Shri K. V. Nadkarny, appearing for the Workman as well as Ld. Adv. Shri V. Palekar, appearing for the Employer.

Ld. Rep. Shri K.V. Nadkarny, representing the Workman during the course of his oral arguments submitted that the Workman was issued a charge-sheet dated 09-03-1992 setting forth certain charges of misconduct in accordance with its Certified Standing Orders. He submitted that the said charge-sheet was issued to the Workman as the bus was involved in an accident at Pen (Maharashtra) resulting in damages to the bus driven by the Workman and also injuries to the passengers including serious injuries to the conductor. He submitted that the Ld. Enquiry Officer conducted an enquiry and the Workman was held guilty of the charges of misconduct as stated in charge-sheet dated 09-03-1992. He submitted that thereafter, the Workman was issued the dismissal order dated 05-01-1996 by which his services has been terminated. He submitted that the Workman filed an appeal against the dismissal order dated 05-01-1996 before the Managing Director of the Employer Corporation, vide his appeal memo dated 19-02-1996. He submitted that the Managing Director of the Employer after hearing both the parties passed an order dated 02-04-1996 by which, he has been reverted to the post of helper. He submitted that the Workman challenged the said order of the Managing Director of the Employer Corporation in the present reference. He submitted that he was initially appointed as 'Heavy Vehicle Driver'. He submitted that the action of the Managing Director of the Employer Corporation in reverting him from the post of 'Heavy Vehicle Driver' in the higher grade to the post of helper in the lower pay scale is illegal and bad-in-law. In support of his oral contention, Ld. Rep. Shri K. V. Nadkarny relied upon a judgment in the case of **Vasu D. Mesta v/s. M/s. Goa Shipyard Ltd. and Anr.**, passed in writ petition No. 232 of 1996 of Hon'ble High Court of Bombay at Panaji bench.

16. Per contra, Ld. Adv. Shri V. Palekar, representing the Employer fairly acceded to the law laid down by the Hon'ble High Court of Bombay at Panaji bench in its case of Vasu Mesta (supra).

I have carefully perused the entire records of the present case. I have also carefully gone through the oral submissions advanced by the Ld. Rep. Shri K.V. Nadkarny appearing for the Workman.

17. Undisputedly, the Workman under reference was appointed as substitute driver w.e.f. 21-10-1986 on daily wage basis. His appointment was extended from time to time. He was appointed on probation w.e.f. 01-06-1987 for initial period of three months vide order of the Employer dated 15-05-1987. While the Workman was employed at Margao depot of the Employer Corporation, he was sent on route of Margao-Bombay on bus No. GDZ-207 with his co-driver, Shri Arun Majrekar and Mr. Salil Mahale as conductor. The said bus was involved in an accident at Pen (Maharashtra) resulting in the bus driven by the workman dashing against a stationary truck causing damages to the bus and injuries to the passengers including serious injuries to the conductor. The Workman was therefore served with a charge-sheet by charge-sheet dated 09-03-1992 for his aforesaid acts of misconduct. The Ld. Enquiry Officer after conducting an enquiry, submitted his findings to the management. Thereafter, the Workman was issued a show-cause notice dated 05-10-1995 to show cause as to why he should not be dismissed from the services of the Corporation. The Workman under reference was thereafter issued a dismissal order dated 05-01-1996, dismissing him from services of the Employer w.e.f. 05-01-1996. Aggrieved by the dismissal order of the Employer, the Workman filed an appeal before the Managing Director of the Employer. The Managing Director of the Employer Corporation vide its order dated 02-04-1996, disposed off the said appeal filed by the Workman by demoting him to the post of 'Helper' w.e.f. 02-04-1996 from the post of 'Heavy Vehicle Driver'. The Workman challenged the said order of the Managing Director dated 02-04-1996 by raising an industrial dispute in the present reference.

18. In the case of **Vasu D. Mesta (supra)**, the Hon'ble High Court of Bombay at Panaji bench has held that *"it is an elementary principle of service law, particularly in the sphere of imposition of penalty after enquiry that a person cannot be reverted to a lower post which he had not been working in or from which he has been never been promoted from. A person can be reverted to a lower post only if the post to which he is reverted is a feeder category of the post in which he is presently working. This has been repeatedly stated by the Supreme Court as well as several High Courts....."*

19. The principle laid down by the Hon'ble High Court of Bombay at Panaji bench binds a precedent upon me. Applying the law laid down by the Hon'ble High Court of Bombay in its aforesaid case, in the case in hand, the Workman under reference

joined the services of the Employer as 'Heavy Vehicle Driver' w.e.f. 01-06-1987. The said post of 'Heavy Vehicle Driver' is not a feeder cadre post. Hence, reverting the Workman under reference to the post of 'Helper' w.e.f. 02-04-1996 from the post of 'Heavy Vehicle Driver' is illegal and unjustified. It is therefore held that the Workman successfully proved that the action of the Employer in reverting him from the post of 'Heavy Vehicle Driver' to the post of 'Helper' is illegal and unjustified. The issue No. 3 is therefore answered in the affirmative.

20. Issue No. 4:

While deciding the issue No. 3, herein above, I have discussed and come to the conclusion that the action of the Employer in reverting him from the post of 'Heavy Vehicle Driver' to the post of 'Helper' is illegal and unjustified. The issue No. 4 is therefore answered in the affirmative.

21. In the case of **Deepali Gundu Surwase v/s. Kranti Junior Adhyapak Mahavidyalaya (D. ED.) and Ors., reported in (2013) 10 SCC 324**, the Hon'ble Apex Court has held that if the order of termination is void ab initio, the Workman is entitled to full back wages. The relevant para of the decision is extracted hereunder:

"22. The very idea of restoring an employee to the position which he held before dismissal or removal or termination of service implies that the employee will be put in the same position in which he would have been but for the illegal action taken by the employer. The injury suffered by a person, who is dismissed or removed or is otherwise terminated from service cannot easily be measured in terms of money. With the passing of an order which has the effect of severing the employer-employee relationship, the latter's source of income gets dried up. Not only the concerned employee, but his entire family suffers grave adversities. They are deprived of the source of sustenance. The children are deprived of nutritious food and all opportunities of education and advancement in life. At times, the family has to borrow from the relatives and other acquaintance to avoid starvation. These sufferings continue till the competent adjudicatory forum decides on the legality of the action taken by the employer. The reinstatement of such an employee, which is preceded by a finding of the competent judicial/quasi-judicial body or court that the action taken by the employer is ultra vires the relevant statutory provisions or the principles of natural justice, entitles the employee to claim full back

wages. If the employer wants to deny back wages to the employee or contest his entitlement to get consequential benefits, then it is for him/her to specifically plead and prove that during the intervening period the employee was gainfully employed and was getting the same emoluments. Denial of back wages to an employee, who has suffered due to an illegal act of the employer would amount to indirectly punishing the concerned employee and rewarding the employer by relieving him of the obligation to pay back wages including the emoluments."

22. The principle laid down by the Hon'ble Apex Court is well established. In the case in hand, the Workman has pleaded and also stated on oath that he is unemployed. The Workman has however, did not plead and also stated on oath as to what efforts he has taken to gain an alternate employment. The Workman also did not disclose whether he is having any other source of income. The Workman under reference is a driver by profession. He must have been in the alternative employment. The Employer Corporation is a State Transport Undertaking. In view of the facts and circumstances of the present case, it will be fair and proper, if the Workman be reinstated and reverted back to his original post of 'Heavy Vehicle Driver' alongwith continuity in service and 30% of back wages with consequential benefits thereof.

In view of above, I proceed to pass the following order:

ORDER

1. It is held that the action of M/s. Kadamba Transport Corporation Limited, Panaji, Goa, in reverting Shri Prabhakar B. Satardekar, Driver to the post of Helper with effect from 02-04-1996, is illegal and unjustified.
2. It is ordered that the Workman is entitled to reinstatement and reverted back to his original post of 'Heavy Vehicle Driver' along with continuity in service and 30% of back wages with consequential benefits thereof.
3. No order as to cost.

Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar),
Presiding Officer,
Labour Court-II.

Department of Personnel

Order

No. 6/18/2016-PER/3707

- Read: 1) Notification No. 3/1/2012-PER dated 16-08-2016 published in Official Gazette, Series I No. 20 dated 18-08-2016.
- 2) Notification No. 6/9/2008-PER (Part-I) dated 01-06-2016.
- 3) Notification No. 6/18/2016-PER dated 09-08-2017.
- 4) Notification No. 6/18/2016-PER/2796 dated 18-09-2017.
- 5) Order No. 6/18/2016-PER/2795 dated 18-09-2017.
- 6) Letter No. GIPARD/PA/JSO/004/A/2017-18/1502 dated 09-10-2017.

Pursuant to the Departmental examination of Refresher Training Programme held from 20th to 23rd September, 2017 conducted by the Goa Institute of the Public Administration and Rural Development in accordance with the notification read in preamble at Sr. Nos. 1 to 5 above and pursuant to the results declared by the Goa Institute of the Public Administration and Rural Development vide its letter dated 09-10-2017 read in preamble at Sr. No. 6, the following 18 Junior Scale Officers amongst others who appeared in the said examination have been declared as "PASSED":-

1. Shri Santosh S. Kundaikar.
2. Shri Bhushan Keshav Savoikar.
3. Smt. Sheru Appa Shirodkar.
4. Smt. Varsha S. Naik.
5. Smt. Anju S. Kerkar.
6. Shri Gourish Shankar Kurtikar.
7. Shri Brijesh D. Manerkar.
8. Smt. Neetal P. Amonkar.
9. Shri Arvind B. Khutkar.
10. Shri Pipi T. Murgaonkar.
11. Shri Sagun R. Velip.
12. Smt. Sushma D. Kamat.
13. Smt. Maria S. D'Souza.
14. Shri Gaurish J. Shankhwalkar.
15. Shri Mahadev J. Araundekar.
16. Shri Harish N. Adconkar.
17. Smt. Sarita Sadashiv Marathe alias Gadgil.
18. Smt. Sangeeta S. Rawool alias Smt. Sangeeta Porob.

This is issued in terms of the results of the above officers communicated by the Goa Institute of the Public Administration and Rural Development vide its letter dated 09-10-2017 read in preamble at Sr. No. 6.

By order and in the name of the Governor of Goa.

Yetindra M. Maralkar, Additional Secretary (Personnel).

Porvorim, 7th December, 2017.

Department of Public Health

Order

No. 2/19/2011-II/PHD/1542

Government is pleased to accept the resignation tendered vide letter dated 04-09-2017 by Dr. Rohit Chodankar, Assistant Professor in Orthopaedics, Goa Medical College, and he stands relieved from the said post of Assistant Professor in Orthopaedics, Goa Medical College w.e.f. 04-12-2017 (f.n.) on expiry of 03 months notice period.

By order and in the name of the Governor of Goa.

Maria Seomara De Souza, Under Secretary (Health)/link.

Porvorim, 5th December, 2017.

Order

No. 2/8/2014-II/PHD/1546

Government is pleased to count the past service rendered by Dr. Roma Varik, Associate Professor, Department of Paediatric Surgery, Goa Medical College, Bambolim-Goa, rendered as Assistant Professor in the Department of Paediatric Surgery, Goa Medical College w.e.f. 07-06-2014 to 10-11-2016 under New Pension Scheme and also for pay protection of basic pay of Rs. 20,300/-, subject to the conditions that the terminal benefits, if any, obtained by her shall be deposited in the Government treasury alongwith interest.

This issues with the concurrence of the Finance (Rev. & Cont.) Department vide their U.O. No. 1496480/F dated 27-11-2017.

By order and in the name of the Governor of Goa.

Maria Seomara De Souza, Under Secretary (Health)/link.

Porvorim, 6th December, 2017.

Certificate

No. 4/1/2003-II/PHD/Vol.I/1557

Read: Government Order No. 4/1/2003-II/PHD/Vol. I dated 05-09-2017.

Certified that the Character and Antecedents of Dr. Clarista Meleena Quadros, Assistant Lecturer, Department of Anatomy in Goa Medical College appointed vide above referred Order has been verified by the Addl. District Magistrate, South Goa District, Margao and nothing adverse has come to the notice of the Government.

Maria Seomara De Souza, Under Secretary (Health)/link.

Porvorim, 8th December, 2017.

Directorate of Food and Drugs Administration

Order

No. 147/DFDA/RTI-INF-ACT/Vol.III/2017-18/5656

In supersession to earlier order No. 147/DFDA/RTI-INF-ACT/2010-11/227 dated 07-04-2010 in pursuance of Clause 5 of the Right to Information Act, 2005 (hereinafter referred to as "the said Act"), the following officers are hereby appointed for the Directorate of Food & Drugs Administration, as Public Information Officer and Assistant Public Information Officer to deal with the applications received from the public under the said Act.

Sr. No.	Names & designation of the officers	Roles/Responsibilities
1	2	3
1.	Shri Ratnakumar Y. Arlekar, Assistant Drugs Controller	Public Information Officer All matters related to the Department.
2.	Smt. Medha A. Dessai, Assistant Drugs Controller	Assistant Public Information Officer Matters related to the Department accept those related to Food Cell & Enforcement of Food Safety & Standards Act.
3.	Shri Richard Luis Noronha, Designated Officer	Assistant Public Information Officer Matters related to the Food Cell & Enforcement of Food Safety & Standards Act.

The above referred Officers shall exercise and perform the powers/function laid down under the RTI Act, 2005 with immediate effect.

Jyoti J. Sardesai, Director (Food & Drugs Admn.).

Bambolim, 5th December, 2017.

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**Department of Science, Technology &
Environment**

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Notification

No. 31-9-2017/STE-DIR/Part-I/717

Read: 1) Notification No. 5/20/87/STE/P-IV/635 dated 03-09-2012.

2) Notification No. 188-10-2016/STE-DIR/1864 dated 09-03-2016.

In exercise of the powers conferred by Section 4 and sub-section (6) of Section 5 of the Water

(Prevention and Control of Pollution) Act, 1974 (6 of 1974), the Government of Goa in supersession of notification read at (2) above hereby makes the following amendments in its Notification bearing No. 5/20/87/STE/P-IV/635 dated the 3rd September, 2012, namely:-

In the said notification:-

- (i) for serial number 1 and the entries relating thereto, the following serial number and entries shall be substituted, namely:-

"1. Secretary (Environment) ... Chairperson"
Government of Goa,
Secretariat, Porvorim-Goa.

By order and in the name of the Governor of Goa.

Parag M. Nagarcenkar, Director & ex officio Joint Secretary (Environment).

Saligao, 8th December, 2017.

◆◆◆

Department of Transport
Directorate of Transport

—

Order

No. 5/2/93-Tpt/PF./2017/5698

The following Assistant Directors of Transport (A.D.Ts) are hereby transferred on administrative grounds and in public interest:-

Sr. No.	Name of the Assistant Director of Transport	Present Posting	Proposed Posting
1	2	3	4
1.	Shri Nandakishor Arolkar	A.D.T., Pernem	A.D.T., Enf., North, Panaji.
2.	Shri Kishor Lotlikar	A.D.T., Ponda	A.D.T., Canacona.
3.	Shri Balchandra A. Sawant	A.D.T., North, Panaji	A.D.T., Ponda.
4.	Shri Sandeep B. Dessai	A.D.T., Enf., North, Panaji	A.D.T., Quepem.
5.	Shri Meghashyam Pilankar	A.D.T. (H.Q.), Head Office, Panaji	A.D.T., Pernem.
6.	Shri Rajesh @ Ramkrishna B. Naik	A.D.T., Quepem	A.D.T. (H.Q.), Head Office, Panaji.
7.	Shri Madan S. Fatarpekar	A.D.T., Dharbandora	A.D.T., North, Panaji.
8.	Shri Vinod R. Arlekar	A.D.T., Canacona	A.D.T., Dharbandora.

The above Officers are hereby directed to join the new places of posting on 01-01-2018 and complete handing over/taking over formalities accordingly. They shall not avail joining period or any type of leave till they assume charge at their new place of posting.

By order and in the name of the Governor of Goa.

Nikhil Desai, Director & ex officio Addl. Secretary (Tpt.).

Panaji, 11th December, 2017.

Corrigendum

No. D.Tpt/5/25/89-TPT/PF/2017/5699

Refer Notification No. D.Tpt/25/89-TPT/PF/2017/5774 dated NIL/10/2017.

(II) (F) Regional Transport Authority for Vasco.

(II) The name of the Member, RTA, Vasco shall be read as "Shri Damodar Sakharam Kaskar" instead of "Shri Digambar Sakharam Kaskar".

By order and in the name of the Governor of Goa.

Nikhil Desai, Director & ex officio Additional Secretary (Transport).

Panaji, 11th December, 2017.

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Office of the Minister for Urban Development

—

Standing Order

No. MIN.U.D./Standing order/2017/01

In pursuance of Rule 17 of the Rules of Business of the Government of Goa, 1991, I, Shri Francisco C.J.A. de Pinto e Souza, Minister for Urban Development, Government of Goa, hereby direct that the Secretary, Urban Development to the Government of Goa shall hear and dispose of the appeals filed under Section 358(3) of The City of Panaji Corporation Act, 2002 (Act No. 1 of 2003) and Revisions filed under Section 303 of the Municipalities Act, 1968 (Act No. 7 of 1969).

This Standing Order shall come into force with immediate effect.

Francisco C.J.A. de Pinto e Souza, Hon'ble Minister for Urban Development.

Porvorim, 28th November, 2017.

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Department of Water Resources

Office of the Chief Engineer

—

Order

No. 3/25-4/87/WR/1077

Read: Order No. 3/25-4/87/WR/744 dated 12-12-2005.

Government is pleased to extend the ad hoc promotion of Shri Anant G. Bhagwat, Ad hoc Executive Engineer/Surveyor of Works (Civil) in Water Resources Department promoted on ad hoc

basis vide Order referred above, for a further period with effect from 01-10-2017 to 31-12-2017.

This is issued with the approval of Goa Public Service Commission conveyed vide their letter No. COM/II/11/27(2)/2016/1077 dated 23-11-2017.

By order and in the name of the Governor of Goa.

S. T. Nadkarni, Chief Engineer & ex officio Addl. Secretary (WR).

Porvorim, 6th December, 2017.

Order

No. 3/25-5/87/WR/1088

On the recommendation of the Goa Public Service Commission as conveyed vide Confidential letter No. COM/II/11/27(3)/2016/922 dated 24-10-2017, Government is pleased to order the promotion of the following Junior Engineer to the post of Assistant Engineer/Assistant Surveyor of Works (Civil) in Water Resources Department on regular basis in the Pay Matrix Level No. 7, and post him against the place indicated in Column No. 4:-

Sr. No.	Name of promotee	Present designation and place of posting	Designation and place of posting on promotion
1.	Shri Balikai S. A.	Junior Engineer, O/o Assistant Engineer, Sub-Div. IV, Works Div. XIV, WRD, Quepem-Goa	Assistant Engineer, O/o Sub-Div-II, Works Div. XII, WRD, Margao against the existing vacancy of Shri Chandrakant Dhamsadekar occurred on 30-04-2016.

The Officer at Serial No. 1 shall be on probation for a period of two years as specified in Column No. 9 of the Recruitment Rules notified in the Official Gazette, Extraordinary, Series I No. 28 dated 11-10-2001.

This is issued vide Government approval No. 8940/F dated 31-10-2017.

By order and in the name of the Governor of Goa.

S. T. Nadkarni, Chief Engineer & ex officio Addl. Secretary (WR).

Porvorim, 11th December, 2017.

Order

No. 4-5-06/CE-WR/Adm.II/1083

Government approval is hereby/conveyed for re-distribution of Works Divisions amongst the Circle Offices of Water Resources Department along with present works, sanctioned strength (Post filled and post vacant, on regular and workcharged establishment, Sub-Division Offices, Machinery etc. is as below:

Sr. No.	Name of the Circle	Head quarters	Original Works Divisions under the Circle Office	New Works Division under the Circle Office	Remarks
(a)	(b)	(c)	(d)	(e)	(f)
1.	Circle Office I	Porvorim	Works Division I, Porvorim	Works Division I, Porvorim	Works Division XI and Works Division XII are detached from Circle I and attached to Circle V.
			Works Division II, Rawanfond, Margao	Works Division II, Rawanfond, Margao	
			Works Division VI, Bicholim	Works Division VI, Bicholim	
			Works Division XI, Gogal, Margao	Works Division XIII, Gogal, Margao-Goa	
			Works Division XII, Gogal, Margao	The Soil Conservation Division of Directorate of Agriculture, Panaji is also attached to Circle I	
			Works Division XIII, Gogal, Margao		
			The Soil Conservation Division of Directorate of Agriculture, Panaji is also attached to Circle I		
2.	Circle Office V	Margao	Works Division III, Ponda	Works Division III, Ponda	Works Division XI and Works Division XII are attached from Circle I.
				Works Division XI, Gogal, Margao	
				Works Division XII, Gogal, Margao	

The above distribution of Works Division Offices does not involve physical shifting of any offices, concerned, but only re-distribution of Works Division Offices among Circle Offices for the purpose of distribution of Minor Irrigation workload and better execution of works, with immediate effect.

This is issued with the approval of Government.

By order and in the name of the Governor of Goa.

S. T. Nadkarni, Chief Engineer & ex officio Addl. Secretary (W.R.).

Porvorim, 7th December, 2017.

Department of Women & Child
Development

Directorate of Women & Child Development

—
Order

No. 2-103(69)-2014/DWCD/6015

The Child Welfare Committee North Goa District was constituted Vide Notification No. 2-103(69)-2014/DW&CD/10524 dated 09-12-2014 as per the provisions of Section 91 the Goa Juvenile Justice (Care and Protection of Children) Rules, 2013 and Section 29 of the Juvenile Justice Act, 2000. The tenure of the existing Child Welfare Committees North Goa District will get expired on 10-12-2017.

The Child Welfare Committee South Goa to assume responsibilities of Child Welfare Committee North as under Section 36 (7) of the Juvenile Justice (Care and Protection of Children) Act, 2015 till

the constitution of the new Child Welfare Committee North Goa.

Dipak Dessai, Director (Women & Child Development).

Panaji, 8th December, 2017.

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Corrigendum

No. 2-103(69)-2014/DWCD/6061

Ref.: Order No. 2-103(69)-2014/DWCD/6015 dated 08-12-2017.

In partial modification to the order dated 08-12-2017 cited above, the last line of first para of the order mentioned above may be corrected and read as under:-

"After the word expired on "10-12-2017", may be read as "18-12-2017".

This comes into force with immediate effect.

Dipak Dessai, Director (Women & Child Development).

Panaji, 11th December, 2017.

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Published and Printed by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE—Rs. 20.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA-334/200-12/2017.